

opportunity was never provided by Orange County Superior Court.

On page 8, of the respondent's Opposition Brief, respondent claims "... great legal expense in a civil action ...". but, because of respondent's total lack of California establish Due Process Procedure, petitioner has suffered and continues to suffer an even greater loss, Superior Wheeler Cake Corp. v. Suourt Court 203 Cal. 384, 264 P 488 (1928).

On page 3, the respondent made an extremely misleading statement:

The Marina was a community asset to be distributed by the court in the dissolution.

Under California law, California has no control over Arkansas real property. A more characterizing of a community asset does not make it so. A proper name for the Marina should be "marital property on common law basis", Mc Donald v. Commissioner, 323 U.S. 44, 56, 89 L.Ed 60, 65 S.Ct. 103 (dissenting opinion Douglas J.). California courts had personam jurisdiction over the parties. But they never had subject matter jurisdiction over the

Marina, Hughes v. Blue Cross of Northern California
(1989) 215 Cal.App. 3d 832, 849, 263 Cal.Rptr. 850.

A judgment of a court wholly lacking jurisdiction over the subject matter is void and violates the Due Process Clause of the Fourteenth Amendment, Kulko v. California Superior Court, 436 U.S. 84, 91, 56 LEd 2d 1283, 98 S.Ct. 1690. Kulko involved an interstate custody action.

After the parties obtained their divorce, respondent (Dorothy) returned to the State of California, the wife attempted subject matter jurisdiction in this State, California, Kulko v. California Superior Court, 436 U.S. 84, at 91-92.

THE MISAPPLICATION OF ROOKER-FELDMAN

On page 13, of respondent Dorothy Bottorff-Tittle's Opposition Brief, respondent cites a case to this court to establish the burden of establishing that limited jurisdiction rests with the asserting party, Kokkonen v. Guardian Life Insurance Inc., Co., 511 U.S. 375 at 395. The real problem is, page 395 deals with an appendix To Opinion Of The Court which discusses solid waste transportation.

REASON FOR DENY OPPOSITION BRIEF OF DOROTHY D. BOTTORFF-TITTLE

During the total period of time I been replying to the respondent's Opposition Brief, I have shown a great deal of errors, misquotes, tempt to mislead the readers and trying to cloud the true of the issue or issues at hand. The issues of procedural Due Process Rights and Constitutional claims is the very and important issues here today.

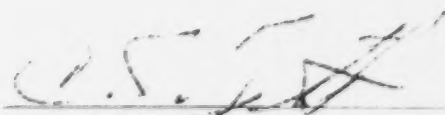
Petitioner must end the chase here of all the misleading statements brought by the respondent and close this reply brief. And ask this court to deny respondent's Opposition Brief.

CONCLUSION

For all the reasons stated above, on the records, in the best interests of all parties and the people, the Petition For Writ of Certiorari be granted

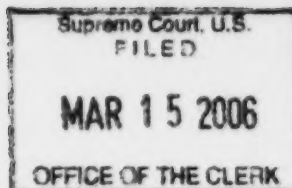
March 15, 2006

~ Respectfully Submitted



CHARLES J. TITTLE, In Pro Per

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NO. 05-985



IN THE
SUPREME COURT OF THE UNITED STATES

CHARLES J. TITTLE
Petitioner,
v.

DOROTHY D. BOTTORFF-TITTLE, et al
Respondents,

On Petition For ~~Writ~~ Of Certiorari
To The United States Court Of Appeals
For The Ninth Circuit

PETITIONER'S REPLY BRIEF TO
RESPONDENT, COUNTY OF ORANGE
OPPOSITION TO
PETITION FOR WRIT OF CERTIORARI

CHARLES J. TITTLE, In Pro Se
5922 Par Circle
Huntington Beach, California 92649
Telephone: (714) 840-3487

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section 904.1 1

INTRODUCTION

In the respondent County of Orange introduction, respondent incorrectly states the sole issue or issues in the petitioner's attempt to relitigate the final state decisions.

In a 1983 Civil Rights Complaint it is acceptable pleading practice to attached a copy of the state decision to show damages. Petitioner did attach a copy of the unpublished California Fourth Appellate, Third Division. This is acceptable federal pleading. But, there was no attempt to relitigate these state decisions in federal court.

In respondent introduction, respondent further claims "He is attempting to restrain the Orange County Superior and Ms Bottorff-Tittle from proceeding with certain state court actions". This again is an incorrect statement, petitioner asked for money damages.

While respondents' dismissed motions were pending in federal district court, petitioner submitted the declaration of Mr. Delvin Munshower which indicated that while petitioner's state court trial case was pending and the day before a summary judgment hearing, petitioner participated

in an oral deposition wherein Ms. Bottorff-Tittle's attorney's repeatedly put petitioner's mental state at issue. This oral deposition was never made part of the State Summary Judgment record. Therefore, respondent's attorneys failed to file it with the court or have the petitioner read the deposition report for errors.

District court Judge Carney simply ignored Mr. Munshower's declaration.

STATEMENT OF THE CASE

I Facts

On page 2 of respondent's brief, County of Orange incorrectly infers that petitioner seeks a review and overturn Orange County Superior Court decisions:

Petitioner and Respondent were not married in California. Petitioner and Respondent were married in the State of Nevada.

Petitioner and respondent did purchase real property with other members of respondents' (Dorothy) family in the State of Arkansas. Respondent filed for divorce in the State of California. California courts have no jurisdiction over

Arkansas real property. The State of Arkansas Supreme Court does not recognize division of Arkansas real property from another state. While the respondent lived in the State of Arizona, she entered into a real estate contract based upon Arkansas law. She then breach the Arkansas real estate contract, returned to California, and sought the jurisdiction of California family law courts to take control of the real property in Arkansas. The court suggested that she complete the sell of the real property to petitioner. She and attorney entered into a stipulation with petitioner, then breached that contract. During the hearing, the family law court lacked the authority to rule on breach of contract issues in family court, Sosnick v. Sosnick (1999) 71 Cal.App. 4th 1335, 1339-1340, 84 Cal.Rptr 2d 700. Therefore, respondent's statement of facts is frivolous and incorrect

During this period of time, petitioner was under serious treatment for "server clinical depression". Which respondent tried to take advantage of the petitioner in state court proceedings. These facts were within the full knowledge of the respondent Dorothy Bottorff-Tittle and

her attorneys. Yet, petitioner was not provided with a Procedural Due Process hearing, California Civil Procedure Code, section 372. This denial of Procedural Due Process Rights continues up to and including the present time.

II. ISSUES FOR REVIEW

A. PETITIONER TITTLE'S LACK OF CAPACITY

On page 3 of respondent's Opposition To Petition For Writ of Certiorari, respondent County of Orange and Orange County Superior Court failed to raise petitioner's competency or the lack thereof was not raised before the federal district court (District Judge Carney).

But, on page 6 through 7, of respondent Dorothy Bottorff-Tittle's Opposition To Petition For Writ, she fully develops petitioner's ongoing attempts to get a fair hearing as being stated in all previous documentation per In re Joann E (2002) 104 Cal.App. 4th 347, 357, 128 Cal.Rptr. 2d 189.

As a part of his (Petitioner) opposition to several motions to dismiss, in federal district court, petitioner

submitted the affidavit of Mr. Delvin F. Munshower. This affidavit fully developed events that took part at an oral deposition on the eve of the state court motion for summary judgment. Affidavit may be submitted to support or oppose motions to dismiss pursuant to Federal Rules of Civil Procedure, rule 6(d) and 12(b)(6), Mc Ginnis v. Southeast Anesthetic Associates, 161 F.R.D. 41, 42-44 (W.D.N.C. 1995).

Procedural Due Process is a flexible concept which calls for procedural protections, Matthew v. Eldridge, 424 U.S. 319, 334-335, 47 Led 2d 18 96 S.Ct. 893(1976), and Hamdi v. Rumsfield, 542 U.S. 507, 159 LEd 2d 578, 598-599, 124 S.Ct. 2633(2004).

As the respondent County of Orange and Orange County Superior Court admits this issue was appropriately addressed, but they failed to show where in its unpublished opinion that petitioner's federal Due Process Rights were denied.

In the state appellate unpublished opinion the respondent denied petitioner's competency arguments on equity reasons, Olvera v. Grace, (1942) 19 Cal. 2d 570,

576-578.

This is why the respondent's opposition should fail.

B. PETITIONER'S BE ALLOWED TO AMEND

Respondent infers that the lower court correctly dismissed petitioner's complaint without leave to amend and then uses three cases as follows.

1. Schreiber Distributing Co. v. Serv-Well Furniture Company, Inc., 806 F2d. 1393, 1401 (9th Cir. 1986). This case clearly states the following on page 1401, 1402:

[11] Schreiber contends the district court erred in dismissing with prejudice the RICO counts without allowing Schreiber leave to amend. We agree.

In the above case on page 1402, conclusion states as follows:

REVERSED and REMANDED with instructions to the district court to allow Schreiber to amend its complaint.

2. Desaigoudar v. Meyer, Cord, 223 F.3d 1020, 1021 (9th Cir. 2000). This case deals with several amends to their complaint. Therefore, this case has no meaning to the

case at bar.

3. Doe v. United States, 58 F.3d 494, 497 (9th Cir. 1995).

Again this case clearly shows that petitioner should be allowed to amend his complaint.

The burden of proof for denying an amendment is beyond doubt that plaintiff can prove no set of facts in support of his claim, Hughes v. Rowe 449 U.S. 5, 10, 66 L.Ed 2d 1, 101 S.Ct. 42 (1980).

Therefore, the petitioner should have been allowed to amend his complaint at lease once.

C. NINTH CIRCUIT CONSIDERATION

The attorneys admissions to his clients guilt was clearly stated in his answering brief in the Ninth Circuit for the first time. Therefore, it was proper and timely brought.

D. WHY ROOKER-FELDMAN DOCTRINE DOES NOT APPLY.

Respondent's argument is only partly true. Petitioners complaint under 42 USC 1983 challenges a denial of Procedural Due Process under the Fourteenth Amendment in state courts.